

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AUBREY CHRISTIAN,

Plaintiff,

v.

Case No. 2:13-cv-13931

Judge Stephen J. Murphy, III

Magistrate Judge Anthony P. Patti

DANIEL L. DUCATT, et al.

Defendants.

**ORDER GRANTING PLAINTIFF'S MARCH 9, 2015 MOTION FOR
EXTENSION OF TIME TO IDENTIFY DEFENDANT JOHN DOE, H.U.M.
(DE 63) and PERMITTING LIMITED DISCOVERY**

A. Background

Plaintiff Aubrey Christian (#722265) initiated this case on September 13, 2013 while incarcerated at Lakeland Correctional Facility (LCF) in Coldwater, Michigan. DE 1. He is currently incarcerated at the Gus Harrison Correctional Facility (ARF) in Adrian, Michigan. See www.michigan.gov/corrections, "Offender Search."

This case was reassigned from Magistrate Judge Komives to me on January 13, 2015. Since then, this Court has entered several orders (DEs 54-61), among which are (a) an order (DE 56) granting in part plaintiff's motion for leave to file amended / supplemental complaint (DE 28) and striking plaintiff's proposed first

amended complaint (DE 29), which provided in part that Plaintiff may file an amended complaint no later than March 16, 2015; (b) an order (DE 58) granting plaintiff's motion to stay discovery (DE 43); and (c) an order (DE 59) which provided, in part, that no later than March 2, 2015, Plaintiff should inform the Court, in writing, of the identity of John Doe, H.U.M. #1, who is described in the original complaint as located at ARF (*see* DE 1 ¶ 10).

B. Pending Motion

Currently before the Court is Plaintiff's March 9, 2015 motion (DE 63) for extension of time to identify Defendant John Doe, H.U.M. Therein, Plaintiff claims he "has requested the identity of Defendant John Doe H.U.M. from the [MDOC] on multiple occasions, however, the [MDOC] has been unwilling to name the identity of Defendant John Doe H.U.M." DE 63 ¶ 2. As a result, Plaintiff claims, "without Discovery, [he] will be unable to properly identify Defendant John Doe H.U.M. by the March 2, 2015 deadline because all Discovery has been stayed." DE 63 ¶ 5.

The MDOC Defendants filed a response on March 10, 2015. DE 66. They "stipulate to Plaintiff's motion for additional time to find Defendant John Doe provided that Plaintiff's deadline for filing his amended complaint is extended past March 16, 2015." DE 66 at 2.

C. Order

Upon consideration, Plaintiff's March 9, 2015 motion (DE 63) for extension of the time within which to identify Defendant John Doe, H.U.M., is GRANTED. The deadline by which Plaintiff must identify Defendant John Doe, H.U.M., is extended to Friday, May 8, 2015. In addition, Plaintiff may have a limited lift of the stay imposed on February 13, 2015 (DE 58) in order conduct discovery for the sole purpose of being able to identify John Doe, H.U.M. Finally, Plaintiff's deadline to file his amended complaint subject to the conditions discussed in this Court's February 12, 2015 order (DE 56) is extended to Friday, May 15, 2015.

IT IS SO ORDERED.

Dated: March 17, 2015

s/Anthony P. Patti

Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

I certify that a copy of this document was sent to parties of record on Tuesday, March 17, 2015, electronically and/or by U.S. Mail.

s/Michael L. Williams

Case Manager to the
Honorable Anthony P. Patti